

Serial No. 10/791,880

Attorney Docket No. 01-566

REMARKS

The applicant appreciates the acknowledgement of the claim for priority under section 119 and the notice that the certified copy of the priority document has been received.

Also, the applicant acknowledges receipt of an initialed copy of the form PTO-1449 that was filed with the application.

Counsel for the applicant appreciates the courtesy of the interview on 2 August 2006. The following constitutes the required summation of the content of the interview.

Claims 1-19 are pending. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1-19 were objected to. The specific informalities listed in the office action have been corrected by way of the above amendment to claims 1 and 8. Therefore, the examiner is respectfully requested to withdraw the objection.

Claim 6 is indicated as allowable if rewritten in independent form. Because claim 1 is believed to be allowable for reasons including those described below, dependent claim 6 has not been amended.

Claims 1-5, 7-15 and 19 were rejected under 35 USC 102(b) as being anticipated by U.S. 5,410,486, Kishi et al. ("Kishi"). Claim 16 was rejected under 35 USC 103(a) as being unpatentable over Kishi in view of U.S. 6,061,628, Hayashi et al. ("Hayashi"). Claims 17-18 were rejected under 35 USC 103(a) as being unpatentable over Kishi in view of U.S. 5,737,225, Schulte ("Schulte"). The applicant respectfully requests that the rejections be withdrawn for reasons including the following, which are provided by way of example.

Serial No. 10/791,880

Attorney Docket No. 01-566

As described in the application, the invention is directed to solving the problem of providing route guidance that ensures sufficient distance for executing a lane change before turning. (E.g., specification 2, lines 15-25.)

According to the claims, e.g., claim 1, the invention is directed to a navigation system. The navigation system has, in combination, for example, a route calculation unit for calculating a route from a current position to a destination; and a change unit for changing a distance of the road to be followed included in the route. When the route calculation unit sets a branch point for branching to another road from the road to be followed, the branch point is set after the distance is exceeded. (E.g., claim 1.) That is, before the route or branch point is calculated, a corresponding road distance is changed based on the road attribute (e.g., number of lanes or road width), so that the route allows the vehicle to travel in a straight line without turning.

Consider, for example, FIG. 6, in which the road has a road attribute of three lanes. In this case, 150m is the straight prioritized distance from the current position starting route calculation (e.g., obtained from the table in FIG. 13). Thus, intersections B and C are too early for the vehicle to turn, considering the number of lanes. (See also specification, page 11, line 5 to page 12, line 7.) If the straight prioritized distance is not used, as with a typical route calculation, then intersection B or C is included in the route as a place where the vehicle should turn. Unfortunately, it can be difficult for a vehicle to change lanes to turn at intersection B or C. In contrast, if the road has a road attribute of two lanes, it is easy for the vehicle to change lanes to turn at intersection C; based on the road attribute of two lanes, 100m is set as the straight prioritized distance; because C exceeds the straight prioritized distance, it may be set as the branch point in the route.

Serial No. 10/791,880

Attorney Docket No. 01-566

Without conceding that Kishi discloses any feature of the present invention, Kishi is directed to a vehicle navigation system for orally issuing route guidance. Kishi issues route guidance at an optimum point. (Abstract).

The office action asserts that Kishi discloses the invention as claimed. To the contrary, Kishi fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole. Kishi fails to teach or suggest, for example, "changing a distance of the road to be followed ... according to a road attribute;" and setting "a branch point for branching to another road to be followed, the branch point is set after the distance is exceeded." (See, e.g., claim 1.) To the contrary, Kishi does not change the intersection.

The office action cites Kishi's route calculation unit as setting a branch point after a distance is exceeded. To the contrary, the portion of Kishi cited in the office action discusses the "guide point" (col. 3, lines 51-61), the guide point is the "point at which navigation information is orally issued." (E.g., col. 2, lines 53-57.) Kishi does not change the branch point; Kishi uses the conventional method to calculate the route. However, Kishi changes the point at which the navigation information is orally issued.

In independent claim 1, as compared with Kishi, a distance of the road to be followed is changed according to a road attribute. In Kishi, to the contrary, the distance of the road to be followed before the intersection is not changed. (Col. 5, lines 26-28; FIG. 4 illustrating the left-hand turn at the intersection.)

Moreover, in independent claim 1, the branch point is set by the route calculation unit so that the branch point exceeds the distance. In Kishi, to the contrary, the branch point is not changed. Kishi only change the point where the navigation information is announced, so that the announcement is sufficiently in advance of the unchanged intersection. (Col. 5, lines 42-68.)

Serial No. 10/791,880

Attorney Docket No. 01-566

Kishi fails to teach or suggest, for example, these elements recited in independent claim 1. It is respectfully submitted therefore that claim 1 is patentable over Kishi.

For at least these reasons, the combination of features recited in independent claim 1, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Kishi clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination.

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited prior art shows any of the elements recited in the claims. However, applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicant has provided examples of why the claims described above are distinguishable over the cited prior art.


In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Serial No. 10/791,880

Attorney Docket No. 01-566

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



Cynthia K. Nicholson

Reg. No. 36,880

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400